

REMARKS

The drawings have been objected to under 37 C.F.R. §1.83(a) on the grounds that they do not show the step of comparing the received acoustic signal with a predefined signal as recited in Claim 29. Accordingly, a proposed drawing correction or corrected drawings have been required. In response to this requirement, Applicants have submitted herewith a proposed new Figure 3 which illustrates the steps according to the invention as defined in Claim 29. Support for Figure 3 is found in the substitute specification at paragraph [0009] which states that the method for displaying information according to the invention includes the steps of receiving data, comparing the received data with predefined data and displaying predefined information when the received data matches the predefined data. A corresponding statement has been inserted paragraph [0015], with appropriate references to Figure 3. In addition, the Brief Description of the Drawings has also been amended accordingly. Therefore, reconsideration and withdrawal of this ground of objection are respectfully requested.

Claims 33 and 34 have been rejected under 35 U.S.C. §112, first paragraph for allegedly failing to comply with the written description requirement, in that the specification does not provide support for certain additional limitations which have been incorporated into Claims 33 and 34. In

response to this ground of rejection, Claim 33 has been amended to delete the recitation of an internet receiver. Applicants respectfully submit that this revision, which is directed solely to a formal issue, does not raise a new issue or require a further search.

Support for Claim 33 is found in the specification at paragraph [0010], which states that “the data may be transmitted by an acoustic signal”. In addition, paragraph [0011] states that the acoustic signal may be part of a commercial television or radio broadcast. Furthermore, paragraph [0003] that the consumer wears the device as part of a badge “while at the cinema or while listening to the radio or TV”. Furthermore, the same paragraph also states that when a specific advert is broadcast, the badge “interprets part of the soundtrack and activates the display on the badge”. Accordingly, Applicants respectfully submit that the first paragraph in the body of Claim 1, as amended, is fully disclosed by and supported in the specification of the present application. Specifically, Applicants respectfully submit that these recitations are sufficient to support the features of “embedding a predetermined acoustic signal within a soundtrack to be transmitted to an entertainment system, transmitting the soundtrack to the entertainment system, and emitting the soundtrack from the entertainment system. A person skilled in the art would easily and fully understand that these steps are clearly implicated by the disclosure described above.

Claims 29-34 have been rejected under 35 U.S.C. §102(b) as anticipated by Tognazzini (U.S. Patent No. 5,708,478), while Claims 21-23, 27 and 28 have been rejected under 35 U.S.C. §102(e) as anticipated by Hite et al (U.S. Patent No. 6,002,393). In addition, Claims 24-26 have been rejected under 35 U.S.C. §103(a) as unpatentable over Hite et al in view of Robbins et al (U.S. Patent No. 6,147,713) and Crossland et al (GB 2 149 554). However, for the reasons set forth hereinafter, Applicants respectfully submit that all claims of record in this application distinguish over the cited references, whether considered separately or in combination.

As a preliminary matter, Applicants note that none of the cited references discloses or suggests the provision of activation means responsive to an acoustically propagated signal containing data broadcast by a commercial broadcaster, as required by Claim 21, or a method which involves receiving an acoustic signal commercially broadcast by a radio or television in comparing the received acoustic signal to a predefined signal, as required by Claims 29 and 33.

The Tognazzini reference, for example, allows a TV or radio user to store advertisements for later consideration, as discussed at Column 2, lines 1-44. The system operates on electrical signals (RF AM, RF FM, or TV signals) to extract encoded information, as noted, for example at Column 7, lines 39-63. As is apparent from this brief description, Tognazzini provides neither for reception

and detection of an acoustically propagated signal, nor the detection of a predetermined signal. Accordingly, Claims 29-34 are neither anticipated nor rendered obvious by Tognazzini.

The Hite et al reference, on the other hand, describes a method and apparatus for displaying advertisements on an entertainment device, in which users viewing the advertisements may react to the advertisements in specific ways. The reactions are used to infer certain personal preferences of that user, and to enable future targeted advertisements to be delivered to that user, corresponding to his or her perceived interests. There is no acoustic propagation of a signal containing "predefined acoustically propagated data" as required in Claims 21-28 and 32, nor is there an acoustic signal emitted as part of a soundtrack from a cinema, radio or television set, as recited in Claims 33 and 34. Finally, there is also no provision for displaying predefined information in response to the reception of a received acoustic signal as required by Claims 29-31, or visual or audible output unit as required by Claim 32.

The Robbins patent described a television receiver which is able to operate according to many existing broadcast and coding standards. Moreover, Crossland appears to describe only a portable entertainment device, such as a TV or radio receiver, having a screen. It is therefore apparent that neither of the

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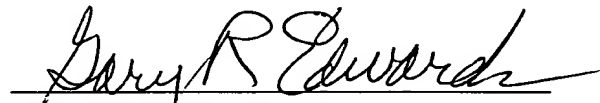
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latter references teaches or discloses the features of the invention which are missing in both Tognazzini and Hite et al, as discussed above.

In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is respectfully requested. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #3036/49686).

Respectfully submitted,



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